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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. *2013-597*

13 **PRINCE SINGH SOHAL**

STATEMENT OF ISSUES

14 APPLICANT FOR REGISTERED NURSE LICENSE

15 Respondent.

16 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

17 **PARTIES**

18 1. Complainant brings this Statement of Issues solely in her official capacity as the
19 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
20 Affairs.

21 2. On or about March 30, 2012, the Board received an application for a Registered
22 Nurse License from Prince Singh Sohal ("Respondent"). On or about March 27, 2012,
23 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and
24 representations in the application.

25 **JURISDICTION**

26 3. Pursuant to Business and Professions Code ("Code") section 485, subdivision (b), on
27 or about June 12, 2012, Respondent's application was denied and he was notified of the right to a
28 hearing to appeal the denial.

4. On or about July 6, 2012, and July 10, 2012, Respondent requested a hearing to appeal the denial of his application.

STATUTORY PROVISIONS

5. Code section 2736 provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under Code section 480.

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

7. Code section 480 states, in pertinent part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3)(A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

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1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(Conviction of a Crime)**

3 8. Respondent's application is subject to denial under Code sections 2761, sub-
4 division (f), and 480, subdivision (a)(1), in that on or about November 17, 2009, in the case titled
5 *People v. Prince Singh Sohal* (Superior Ct. Sutter County (2009), Case No. CRF-09-0617),
6 Respondent was convicted by the court on his plea of no contest to violating Penal Code
7 section 594, subdivision (b)(1) [vandalism equal to or in excess of \$400.00], a felony. Said crime
8 is substantially related to the qualifications, functions, or duties of a licensed registered nurse.

9 a. The underlying circumstances of the crime are: On or about November 8,
10 2009, Respondent and four males, in an orchard in Sutter County, California, beat a 2006 Mazda
11 sedan, belonging to a non-present friend of Respondent's. Law enforcement officers arrived at
12 the scene of the fire and interviewed the five males, including Respondent. The arresting police
13 officer observed that Respondent emitted a strong odor of gasoline. Respondent stated to the
14 officer that he had spilled some gasoline on his clothing while he was fueling his own vehicle.
15 He denied knowledge of the fire. At the scene, the officers located gas containers; the Mazda's
16 license plates, and a bat in the back of a truck in which Respondent was a passenger. The vehicle
17 was damaged or destroyed so that its owner could collect insurance monies.

18 **SECOND CAUSE FOR DENIAL OF APPLICATION**

19 **(Dishonest, Fraudulent, or Deceitful Act)**

20 9. Respondent's application is subject to denial under Code section 480, subdivi-
21 sion (a)(2), in that he committed a dishonest, fraudulent, or deceitful act with the intent to
22 substantially benefit himself or another, as set forth in paragraph 8, above.

23 **THIRD CAUSE FOR DENIAL OF APPLICATION**

24 **(Committed Acts Which If Done By a Licentiate)**

25 10. Respondent's application is subject to denial under Code section 480,
26 subdivision (a)(3)(A), in that he committed acts which if done by a licentiate of the profession
27 would constitute grounds for discipline, as follows:
28

1 a. Code section 2761, subdivision (f): Respondent was convicted of a crime
2 substantially related to the qualifications, functions or duties of a registered nurse, as more fully
3 set forth in paragraph 8, above.

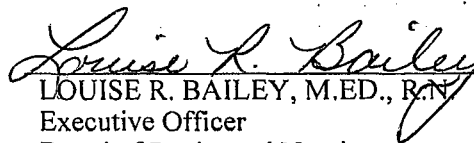
4 b. Code section 2761, subdivision (a)(4): Respondent was disciplined by the
5 Board of Pharmacy, Department of Consumer Affairs, State of California, in that effective April
6 23, 2012, the Board of Pharmacy entered a *Decision and Order and Stipulated Settlement and*
7 *Disciplinary Order* ("Order") in a disciplinary proceeding entitled *In the Matter of the*
8 *Accusation Against Prince Sohal. . . Pharmacy Technician Registration No. TCH 68528, Case*
9 *No. 3689, OAH No. 2010050619*. The Order revoked Respondent's pharmacy technician
10 registration, stayed revocation, and placed Respondent on probation for three years, with terms
11 and conditions. The basis of said discipline is Respondent's criminal conviction, as set forth in
12 paragraph 8, above. A copy of the Order is attached hereto as **Exhibit A** and incorporated herein
13 by reference.

14 **PRAYER**

15 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Registered Nursing issue a decision:

- 17 1. Denying the application of Prince Singh Sohal for a Registered Nurse License, and
18 2. Taking such other and further action as deemed necessary and proper.

19
20 DATED: JANUARY 31, 2013


LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant

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EXHIBIT A

Decision and Order - Board of Pharmacy
Board Case No. 3689; OAH No. 2010050619

*In the Matter of the Accusation Against Prince Sohal,
Pharmacy Technician Registration*

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

PRINCE SOHAL
6284 E. Andrews
Fresno, CA 93727

Pharmacy Technician License No. TCH 68528

Case No. 3689

OAH No. 2010050619

Respondent.

DECISION AND ORDER

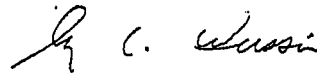
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on April 23, 2012.

It is so ORDERED on March 23, 2012.

**BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

By



STANLEY C. WEISSER
Board President

1 KAMALA D. HARRIS
2 Attorney General of California
3 ARTHUR D. TAGGART
4 Supervising Deputy Attorney General
5 LESLIE A. BURGERMYER
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Attorneys for Complainant

ORIGINAL

BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

PRINCE SOHAL
6284 E. Andrews
Fresno, CA 93727

Pharmacy Technician Registration
Number TCH 68528

Case No. 3689

OAH No. 2010050619

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy ("Board"), Department of Consumer Affairs. She brought this action solely in her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Leslie A. Burgermyer, Deputy Attorney General.

2. Respondent Prince Sohal ("Respondent") is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about April 6, 2006, the Board issued Pharmacy Technician Registration No. TCH 68528 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 3689 and will expire on July 31, 2013, unless renewed.

JURISDICTION.

4. Accusation No. 3689 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 4, 2010. Respondent failed to timely file his Notice of Defense contesting the Accusation which resulted in the issuing a Default Decision and Order. On March 25, 2011, the Board granted Respondent's request to vacate the Default Decision and Order. A true and correct copy of Accusation No. 3689 is attached hereto, marked Exhibit A, and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 3689. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 3689.

9. Respondent agrees that his Pharmacy Technician Registration is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

1 14. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Board may, without further notice or formal proceeding, issue and enter the following
3 Disciplinary Order:

4 **DISCIPLINARY ORDER**

5 **IT IS HEREBY ORDERED** that Pharmacy Technician Registration No. TCH 68528
6 issued to Respondent Prince Sohal ("Respondent") is revoked. However, the revocation is stayed
7 and Respondent is placed on probation for three (3) years on the following terms and conditions.

8 1. **Certification Prior to Resuming Work.** Respondent shall be automatically
9 suspended from working as a Pharmacy Technician until he is certified as defined by Business
10 and Professions Code section 4202(a)(4) and provides satisfactory proof of certification to the
11 Board. Respondent shall not resume working as a Pharmacy Technician until notified by the
12 Board. Failure to achieve certification within one (1) year shall be considered a violation of
13 probation. Respondent shall not resume working as a Pharmacy Technician until notified by the
14 Board.

15 During suspension, Respondent shall not enter any pharmacy area or any portion of any
16 other Board licensed premises (wholesaler, veterinary food-animal drug retailer, or any other
17 distributor of drugs), any drug manufacturer, or any other location where dangerous drugs and
18 devices or controlled substances are maintained. Respondent shall not do any act involving drug
19 selection, selection of stock, manufacturing, compounding or dispensing; nor shall Respondent
20 manage, administer, or assist any licensee of the Board. Respondent shall not have access to or
21 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
22 substances. Respondent shall not resume work until notified by the Board.

23 Subject to the above restrictions, Respondent may continue to own or hold an interest in
24 any licensed premises by the Board in which he holds an interest at the time this Decision
25 becomes effective unless otherwise specified in this Order.

26 2. **Obey all Laws.** Respondent shall obey all state and federal laws and regulations.
27 Respondent shall report any of the following occurrences to the board, in writing, within seventy-
28 two (72) hours of such occurrence:

1 a. An arrest or issuance of a criminal complaint for violation of any provision of
2 the Pharmacy Law, state and federal food and drug laws, or state and federal controlled
3 substances laws;

4 b. A plea of guilty or nolo contendere in any state or federal criminal proceeding to
5 any criminal complaint, information, or indictment;

6 c. A conviction of any crime;

7 d. Discipline, citation, or other administrative action filed by any state or federal
8 agency which involves Respondent's Pharmacy Technician Registration or which is related to the
9 practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
10 for any drug, device or controlled substance.

11 Failure to timely report any such occurrence shall be considered a violation of probation.

12 3. **Report to the Board.** Respondent shall report to the Board quarterly, on a schedule
13 as directed by the Board or its designee. The report shall be made either in person or in writing,
14 as directed. Among other requirements, Respondent shall state in each report under penalty of
15 perjury whether there has been compliance with all the terms and conditions of probation. Failure
16 to submit timely reports in a form as directed shall be considered a violation of probation. Any
17 period(s) of delinquency in submission of reports as directed may be added to the total period of
18 probation. Moreover, if the final probation report is not made as directed, probation shall be
19 automatically extended until such time as the final report is made and accepted by the Board.

20 4. **Interview with the Board.** Upon receipt of reasonable prior notice, Respondent
21 shall appear in person for interviews with the board or its designee, at such intervals and locations
22 as are determined by the board or its designee. Failure to appear for any scheduled interview
23 without prior notification to Board staff, or failure to appear at two (2) or more scheduled
24 interviews with the board or its designee during the period of probation, shall be considered a
25 violation of probation.

26 5. **Cooperate with Board Staff.** Respondent shall cooperate with the Board's
27 inspection program and with the Board's monitoring and investigation of respondent's compliance

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1 with the terms and conditions of his probation. Failure to cooperate shall be considered a
2 violation of probation.

3 **6. Notice to Employers.** During the period of probation, Respondent shall notify all
4 present and prospective employers of the decision in Accusation No. 3689 and the terms,
5 conditions, and restrictions imposed on Respondent by the Decision and Order, as follows:

6 Within thirty (30) days of the effective date of this Decision and Order, and within fifteen
7 (15) days of Respondent undertaking any new employment, Respondent shall cause his direct
8 supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during
9 respondent's tenure of employment) and owner to report to the Board in writing acknowledging
10 that the listed individual(s) has/have read the decision in Accusation No. 3689 and the terms and
11 conditions imposed thereby. It shall be Respondent's responsibility to ensure that his employer(s)
12 and/or supervisor(s) submit timely acknowledgement(s) to the Board.

13 If Respondent works for or is employed by or through a pharmacy employment service,
14 respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy
15 of the terms and conditions of the decision in Accusation No. 3689 in advance of the Respondent
16 commencing work at each pharmacy. A record of this notification must be provided to the Board
17 upon request.

18 Furthermore, within thirty (30) days of the effective date of this Decision and Order, and
19 within fifteen (15) days of Respondent undertaking any new employment by or through a
20 pharmacy employment service, Respondent shall cause his direct supervisor with the pharmacy
21 employment service to report to the Board in writing acknowledging that he has read the Decision
22 in Accusation No. 3689 and the terms and conditions imposed thereby. It shall be Respondent's
23 responsibility to ensure that his employer(s) and/or supervisor(s) submit timely acknowledg-
24 ment(s) to the Board.

25 Failure to timely notify present or prospective employer(s) or to cause that/those
26 employer(s) to submit timely acknowledgements to the Board shall be considered a violation of
27 probation.

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1 "Employment" within the meaning of this provision shall include any full-time, part-
2 time, temporary or relief service or pharmacy management service as a pharmacy
3 technician or in any position for which a pharmacy technician license is a requirement or
4 criterion for employment, whether the respondent is considered an employee, independent
5 contractor or volunteer.

6 **7. Reimbursement of Board Costs.** As a condition precedent to successful completion
7 of probation, Respondent shall pay to the Board its costs of investigation and prosecution in the
8 amount of \$3,952.50. Respondent shall make said payments in a payment plan approved by the
9 Board. There shall be no deviation from this schedule absent prior written approval by the Board
10 or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation
11 of probation.

12 The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to
13 reimburse the Board its costs of investigation and prosecution.

14 **8. Probation Monitoring Costs.** Respondent shall pay any costs associated with
15 probation monitoring as determined by the Board each and every year of probation. Such costs
16 shall be payable to the Board on a schedule as directed by the Board or its designee. Failure to
17 pay such costs by the deadline(s) as directed shall be considered a violation of probation

18 **9. Status of License.** Respondent shall, at all times while on probation, maintain an
19 active, current pharmacy technician license with the Board, including any period during which
20 suspension or probation is tolled. Failure to maintain an active, current license shall be
21 considered a violation of probation.

22 If Respondent's Pharmacy Technician Registration expires or is cancelled by operation of
23 law or otherwise at any time during the period of probation, including any extensions thereof due
24 to tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all
25 terms and conditions of this probation not previously satisfied.

26 **10. License Surrender While on Probation or Suspension.** Following the effective
27 date of this Decision, should Respondent cease work due to retirement or health, or be otherwise
28 unable to satisfy the terms and conditions of probation, Respondent may tender his pharmacy

1 technician license to the Board for surrender. The Board or its designee shall have the discretion
2 whether to grant the request for surrender or take any other action it deems appropriate and
3 reasonable. Upon formal acceptance of the surrender of the license, Respondent will no longer be
4 subject to the terms and conditions of probation. This surrender constitutes a record of discipline
5 and shall become a part of the Respondent's license history with the Board.

6 Upon acceptance of the surrender, Respondent shall relinquish his pharmacy technician
7 license to the board within ten (10) days of notification by the Board that the surrender is
8 accepted. Respondent may not reapply for any license, permit, or registration from the Board for
9 three (3) years from the effective date of the surrender. Respondent shall meet all requirements
10 applicable to the license sought as of the date the application for that license is submitted to the
11 Board.

12 **11. Notification of a Change in Name, Residence Address, Mailing Address or**
13 **Employment.** Respondent shall notify the board in writing within ten (10) days of any change of
14 employment. Said notification shall include the reasons for leaving, the address of the new
15 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
16 shall further notify the board in writing within ten (10) days of a change in name, residence
17 address and mailing address, or phone number.

18 Failure to timely notify the Board of any change in employer(s), name(s), address(es), or
19 phone number(s) shall be considered a violation of probation.

20 **12. Tolling of Probation.** Except during periods of suspension, Respondent shall, at all
21 times while on probation, be employed as a Pharmacy Technician in California for a minimum of
22 twenty (20) hours per calendar month. Any month during which this minimum is not met shall
23 toll the period of probation, i.e., the period of probation shall be extended by one month for each
24 month during which this minimum is not met. During any such period of tolling of probation,
25 respondent must nonetheless comply with all terms and conditions of probation.

26 Should Respondent, regardless of residency, for any reason (including vacation) cease
27 working as a Pharmacy Technician for a minimum of twenty (20) hours per calendar month in
28 California, Respondent must notify the Board in writing within ten (10) days of cessation of work

1 and must further notify the Board in writing within ten (10) days of the resumption of the work.
2 Any failure to provide such notification(s) shall be considered a violation of probation.

3 It is a violation of probation for Respondent's probation to remain tolled pursuant to the
4 provisions of this condition for a total period, counting consecutive and non-consecutive months,
5 exceeding thirty-six (36) months.

6 "Cessation of work" means calendar month during which Respondent is not working
7 for at least twenty (20) hours as a Pharmacy Technician. "Resumption of work" means any
8 calendar month during which Respondent is working as a Pharmacy Technician for at least
9 twenty (20) hours as a Pharmacy Technician as defined by Business and Professions Code
10 section 4115.

11 **13. Violation of Probation.** If Respondent has not complied with any term or condition
12 of probation, the Board shall have continuing jurisdiction over Respondent, and probation shall
13 automatically be extended, until all terms and conditions have been satisfied or the board has
14 taken other action as deemed appropriate to treat the failure to comply as a violation of probation,
15 to terminate probation, and to impose the penalty that was stayed (revocation).

16 If Respondent violates probation in any respect, the Board, after giving respondent notice
17 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
18 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
19 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
20 a petition to revoke probation or an accusation is filed against Respondent during probation, the
21 Board shall have continuing jurisdiction, and the period of probation shall be automatically
22 extended until the petition to revoke probation or accusation is heard and decided.

23 **14. Completion of Probation.** Upon written notice by the Board indicating successful
24 completion of probation, Respondent's Pharmacy Technician license will be fully restored.

25 **15. No Ownership of Licensed Premises.** Respondent shall not own, have any legal or
26 beneficial interest in, or serve as a manager, administrator, member, officer, director, trustee,
27 associate, or partner of any business, firm, partnership, or corporation currently or hereinafter
28 licensed by the board. Respondent shall sell or transfer any legal or beneficial interest in any

1 entity licensed by the Board within ninety (90) days following the effective date of this decision
2 and shall immediately thereafter provide written proof thereof to the Board. Failure to timely
3 divest any legal or beneficial interest(s) or provide documentation thereof shall be considered a
4 violation of probation.

5 16. **Community Service Program.** Within sixty (60) days of the effective date of the
6 Board's Decision and Order, Respondent shall submit to the Board or its designee, for prior
7 approval, a community service program in which Respondent shall provide free health-care
8 related services on a regular basis to a community or charitable facility or agency for at least fifty
9 (50) hours per year for the first two (2) years of probation. Within thirty (30) days of Board
10 approval thereof, Respondent shall submit documentation to the Board demonstrating
11 commencement of the community service program. A record of this notification must be
12 provided to the Board upon request. Respondent shall report on progress with the community
13 service program in the quarterly reports. Failure to timely submit, commence, or comply with the
14 program shall be considered a violation of probation.

15 **ACCEPTANCE**

16 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
17 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this
18 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
19 to be bound by the Decision and Order of the Board of Pharmacy.

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21 DATED: 10/25/11


22 **PRINCE SOHAL**
Respondent

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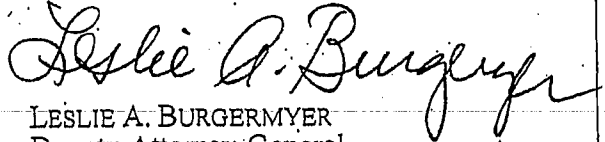
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 10-26-2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General


LESLIE A. BURGERMYER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 3689

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 LESLIE A. BURGERMYER
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7 *Attorneys for Complainant*

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BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 3689

12 PRINCE SINGH SOHAL
5144 W. Austin Way
13 Fresno, CA 93722

14 Pharmacy Technician License
Number 68528

ACCUSATION

Respondent.

Complainant alleges:

PARTIES

1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

2. On or about April 6, 2006, the Board of Pharmacy issued Pharmacy Technician Registration Number TCH 68528 to Prince Singh Sohal (Respondent). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2011, unless renewed.

///

///

JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 4300, subdivision (a), of the Code states that every license issued by the Board may be suspended or revoked.

5. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board or Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

6. Section 4301 of the Code states:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

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(p) Actions or conduct that would have warranted denial of a license.

COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board or Director may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

8. Respondent's license is subject to disciplinary action under sections 4300 and 4301, subdivision (l), on the grounds of unprofessional conduct in that on November 17, 2009, Respondent was convicted in the case titled *People v. Prince Singh Sohal*, Sutter County Case No. CRF09-0617, on his plea of no contest to violating Penal Code section 594(b)(1) vandalism/malicious mischief, a felony. Said crime is substantially related to the qualifications, functions, and duties of a pharmacy technician. The circumstances are as follows:

9. On or about November 8, 2009, Respondent and four males, in an orchard in Sutter County, California, beat a vehicle with a bat and then set it on fire. The vehicle, a 2006 Mazda sedan, belonged to a non-present sixth male who was a friend of Respondent's. Law enforcement officers arrived at the scene of the fire and interviewed the five males, including Respondent. The arresting police officer observed that Respondent emitted a strong odor of gasoline. Respondent stated to the officer that he had spilled some gasoline on his clothing while he was fueling his own vehicle. He denied knowledge of the fire. The officers located gas containers, the Mazda's license plates, and a bat in the back of a truck, in which Respondent was a passenger, at the scene. Respondent committed said act to assist the owner of the vehicle to obtain insurance monies relating to the vehicle.

SECOND CAUSE FOR DISCIPLINE

(Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

10. Respondent's license is subject to disciplinary action under sections 4300 and 4301, subdivision (f), on the grounds of unprofessional conduct in that on or about November 8, 2009,

1 Respondent committed an act or acts involving moral turpitude, dishonesty, fraud, deceit, or
2 corruption as set forth in paragraph 9, above, incorporated herein by this reference.

3 PRAYER

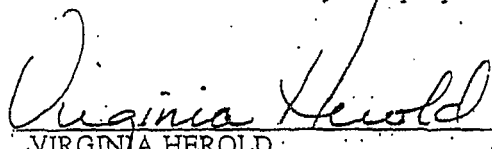
4 ~~WHEREFORE~~, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Pharmacy issue a decision:

6 1. Revoking or suspending Pharmacy Technician Registration Number TCH 68528,
7 issued to Respondent Prince Singh Sohal.

8 2. Ordering Respondent Prince Singh Sohal to pay the Board of Pharmacy the
9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
10 Professions Code section 125.3;

11 3. Taking such other and further action as deemed necessary and proper.

12
13 DATED: 9/23/10


VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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